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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/644,349	05/10/96	HULL	J 15358-26

26M1/0417
TOWNSEND AND TOWNSEND AND CREW
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TWO EMBARCADERO CENTER
SAN FRANCISCO CA 94111-3834

EXAMINER

WYCHE, M

ART UNIT PAPER NUMBER

2608

DATE MAILED: 04/17/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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Please see attached

Office Action Summary

Application No.
08/644,349

Applicant(s)
Hull et al.

Examiner
Myron Wyche

Group Art Unit
2608



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on May 10, 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to because reference numbers 10 and 12 refer to the same element. Correction is required.

Claim Objections

3. Claim 7 is objected to because of the following informalities: line 2 uses the phrase "capture images in a periodic basis" rather than "on a periodic basis". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Maurinus et al. (hereinafter Maurinus).

Regarding claim 1, Maurinus (which further incorporates Figure 6a of Hoarty et al. (hereinafter Hoarty) by reference (see col. 7; lines 62-64)) discloses an image capture and transmission system which includes:

- a. a digital still camera, which captures images in digital form and stores the images in a camera memory (abstract; lines 1-6, fig. 1, fig. 4b; ref. 10, col. 1; lines 31-34);
- b. a cellular telephone transmitter (fig. 4b; ref. 72; col. 10; lines 10-15);
- c. a central processing unit (CPU) coupled to the camera memory and the cellular telephone transmitter, wherein the CPU controls the camera memory to cause it to output data representing an image and the CPU controls the cellular telephone transmitter to cause a cellular telephone to transmit the data output from the camera memory (fig. 1; ref. 14, col. 5; lines 7-22);
- d. a receiving station coupled to the cellular telephone transmitter by a cellular network to receive data (fig. 3; ref. 58, col. 8; lines 43-46);
- e. means for resetting the camera memory to be reused for subsequent images once an image is transmitted to the receiving station (fig. 1; refs. 14 and 34, col. 5; lines 5-10) and

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- f. an image storage device coupled to the receiving station to store images received by the receiving station (fig. 3; ref. 58, col. 7; lines 62-64 and see Hoarty: fig. 6a; ref. 70, col. 13; lines 20-22).

Thus, the limitations of the claim are read in the reference.

Regarding claim 2, Maurinus discloses that a CPU can interface to a camera memory of an existing digital still camera (col. 1; lines 12-15 and 38-42).

Thus, the limitations of the claim are read in the reference.

With respect to claim 3, Maurinus discloses a cellular telephone transmitter that comprises:

- a. a standard cellular telephone (fig. 4b; ref. 72) and
- b. a cellular modem (fig. 3; ref. 72, col. 8; lines 43-46).

Thus, the limitations of the claim are read in the reference.

Regarding claim 7, Maurinus discloses means for causing a digital still camera to capture images on a periodic basis (fig. 1, ref. 14) and teaches a method wherein the CPU would be programmed to periodically transmit an image to free the camera memory (fig. 1; ref. 34) for accepting subsequent images (col. 1; lines 27-37).

Thus, the limitations of the claim are read in the reference.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurinus in view of Krebs.

Claim 4 is dependent on claim 1. Maurinus, as discussed above, discloses the limitations of claim 1. What Maurinus does not explicitly disclose are the additional limitations of claim 4. However, Krebs does disclose these limitations as will be discussed below.

Krebs discloses a video mail delivery system that includes means and methods for packaging images as electronic mail messages prior to transmission by a cellular telephone transmitter (abstract; lines 1-4, fig. 1, col. 3; lines 60-67, col. 4; lines 25-27 and 41-45).

Maurinus and Krebs are combinable because they are from the same field of endeavor, that is, image transmission systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Maurinus to include packaging images as electronic mail, as in Krebs. The motivation for the combination would have been to treat video mail of this application in the same way as e-mail is treated in computer networks (see Krebs: col. 3; lines 60-67).

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With respect to claim 6, Krebs discloses means for encrypting image data prior to transmission by the cellular telephone transmitter (fig. 1; ref. 15, col. 6; lines 27-32, col. 7; lines 52-59).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maurinus in view of Slaughter, III et al (hereinafter Slaughter).

Claim 5 is dependent on claim 1. Maurinus, as discussed above, discloses the limitations of claim 1. What Maurinus does not disclose are the additional limitations of claim 5. However, Slaughter does disclose these limitations as will be discussed below.

Slaughter discloses a means and a method for providing a remote station access to a server station. In particular, Slaughter teaches a remote station's computer (i.e., the means) can be loaded with network application software and remote access client software (i.e., the method) where standard protocol software (e.g., PPP/SLIP with TCP/IP) are used as examples of software applications to be loaded (col. 5; lines 57-67 and col. 6; lines 1-5).

Maurinus and Slaughter are combinable because they are from similar problem solving areas, that is, connecting remotely located computer resources. At the time of the invention it would have been obvious to modify Maurinus to include the use of standard protocol software (e.g., PPP/SLIP with TCP/IP). The motivation for the combination would have been to provide a remote user at a remote computer with easy/transparent access to a receiving server and its resources (see Slaughter: col. 1; lines 8-13 and 54-58). Therefore, it would have been obvious to combine Slaughter with Maurinus to obtain the invention specified in claim 5.

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9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maurinus in view of Dennison et al. (hereinafter Dennison).

Claim 8 is dependent on claim 1. Maurinus, as discussed above discloses the limitations of claim 1. Relative to the limitations of claim 8 in particular, Maurinus discloses the use of a cellular telephone with the still camera of the image transmission system (fig. 4b; ref. 72) and means for including a location indication with each image (fig. 1; ref. 14, 16, 34 and 36). What Maurinus does not explicitly disclose are the additional limitations of claim 8. However, Dennison does disclose these limitations as will be discussed below.

Dennison discloses a cellular telephone with a GPS receiver which would provide means for determining a location of the portable image transfer system (fig. 7; ref. 24, col. 4; lines 57-59).

Maurinus and Dennison are combinable because they share a similar problem solving area, that is, wireless communication techniques. At the time of the invention, it would have been obvious to have modified Maurinus to include location determining means, as in Dennison. The motivation for the combination would have been to provide location information in order to aid the user to make decisions required for the systems operation (see Dennison: abstract; lines 11-17). Therefore, it would have been obvious to combine Dennison with Maurinus to obtain the invention specified in claim 8.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurinus in view of Hoarty.

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Claim 9 is dependent on claim 1. Maurinus, as discussed above, discloses the limitations of claim 1. Relative to the limitations of claim 9 in particular, Maurinus specifically discloses a modem for establishing the link between the remote and receiving stations (fig. 3; ref. 72, col. 8; lines 43-46). In addition, it is well known in the field of communications that a modem (Modulator-DEModulator) would provide a return link capable of receiving commands sent from the receiving station. What Maurinus does not explicitly disclose are the additional limitations of claim 9. However, Hoarty does disclose these limitations as will be discussed below.

Hoarty discloses a video transmission system that uses modems to provide user responses from receiving stations (see fig. 2; ref. 42, fig. 6a; ref. 67, col. 9; lines 60-68).

Maurinus and Hoarty are combinable because they are from the same field of endeavor, that is, image transmission systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Maurinus to include receiving station commands, as in Hoarty. The motivation for the combination would have been to establish an interactive connection with the remote station with available communication resources (i.e., modems) and minimal loop back time delay (see Hoarty: col. 10; lines 1-12). Therefore, it would have been obvious to combine Hoarty with Maurinus to obtain the invention as specified in claim 9.

With respect to claim 10, Maurinus discloses means for sampling selected portions of an image in response to the commands sent from the receiving station (fig. 1; ref. 14, 16, 34 and 36).

11. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurinus in view of Hassan et al. (hereinafter Hassan).

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Claim 11 is dependent on claim 1. Maurinus, as discussed above, discloses the limitations of claim 1. What Maurinus does not explicitly disclose is the additional limitations of claim 11. However, Hassan does disclose these limitations as will be discussed below.

Regarding claim 11, Hassan discloses an image transmission system that includes a remote printing device for printing images processed by a receiving station (fig. 1; ref. 140, fig. 2; ref. 240, col. 2; lines 24-28).

Maurinus and Hassan are combinable because they are from the same field of endeavor, that is, image transmission systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified Maurinus to include a remote printing device, as in Hassan. The motivation for the combination would have been to provide hard copy for the display of the image data at the remote site (see Hassan: col. 1; lines 47-52). Therefore, it would have been obvious to combine Hassan with Maurinus to obtain the invention specified in claim 11.

With respect to claim 12, Hassan, as discussed above, discloses the remote printing device is one of a facsimile machine, a digital copier or a printer (fig. 1; ref. 140, fig. 2; ref. 240, col. 2; lines 24-28).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Freeman et al. discloses a remote video transmission system for transmitting image data over telephone lines or radio frequencies.

Ohnsorge discloses a radio telephone device that has a video camera mounted within in it for the transmission of video data from the radio telephone to other "video ready" telecommunication devices.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Myron Wyche whose telephone number is (703) 308-6729. The Examiner can normally be reached between 7:30 a.m. and 4:00 p.m. EST.

Any inquiry of a general nature or relating to the status of this application should be directed the Group receptionist whose telephone number is (703) 305-3900.

Myron Wyche

April 11, 1997


DWAYNE BOST
SUPERVISORY PATENT EXAMINER
GROUP 2600